

03/14/02

J1130 U.S. Pat. App.

03/18/02

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|                        |                              |
|------------------------|------------------------------|
| Attorney Docket No.    | AVI 021                      |
| First Inventor         | Horseman                     |
| Title                  | Gut-specific Gene Expression |
| Express Mail Label No. | EV047203227US                |

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 52]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. ☐ Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

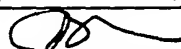
Prior application information:

Examiner:

Group Art Unit:

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

|         |                    |           |                  |          |              |  |
|---------|--------------------|-----------|------------------|----------|--------------|--|
| Name    | AviGenics, inc.    |           |                  |          |              |  |
| Address | 111 Riverbend Road |           |                  |          |              |  |
| City    | Athens             | State     | Georgia          | Zip Code | 30605        |  |
| Country | US                 | Telephone | 706.227.1170x232 | Fax      | 706.227.2180 |  |

|                   |                                                                                     |                                   |                 |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------|-----------------|
| Name (Print/Type) | Judy Jarecki-Black, Ph.D., J.D.                                                     | Registration No. (Attorney/Agent) | 44,170          |
| Signature         |  |                                   | Date 03/14/2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

A  
Box  
59J11046 U.S. Pat. App.  
10/099663

03/14/02

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 715.00

**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   |                    |
| Filing Date          | 03/14/2002         |
| First Named Inventor | Nelson D. Horseman |
| Examiner Name        |                    |
| Group Art Unit       |                    |
| Attorney Docket No.  | AVI 021            |

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 501729  
 Deposit Account Name: AviGenics, inc.

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 101                   | 740                   | 201                   | 370                   | Utility filing fee     | 370.00   |
| 106                   | 330                   | 206                   | 165                   | Design filing fee      |          |
| 107                   | 510                   | 207                   | 255                   | Plant filing fee       |          |
| 108                   | 740                   | 208                   | 370                   | Reissue filing fee     |          |
| 114                   | 160                   | 214                   | 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$) 370.00

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 49                 | -20** = 29   | 9.00           | 261.00   |
| 5                  | -3** = 2     | 42.00          | 84.00    |
| Multiple Dependent |              |                | 345.00   |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description                                            |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------------------------------------------|
| 103                   | 18                    | 203                   | 9                     | Claims in excess of 20                                     |
| 102                   | 84                    | 202                   | 42                    | Independent claims in excess of 3                          |
| 104                   | 280                   | 204                   | 140                   | Multiple dependent claim, if not paid                      |
| 109                   | 84                    | 209                   | 42                    | ** Reissue independent claims over original patent         |
| 110                   | 18                    | 210                   | 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 345.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description                                                            | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------------------------------------------------|----------|
| 105                   | 130                   | 205                   | 65                    | Surcharge - late filing fee or oath                                        |          |
| 127                   | 50                    | 227                   | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                   | 130                   | 139                   | 130                   | Non-English specification                                                  |          |
| 147                   | 2,520                 | 147                   | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112                   | 920*                  | 112                   | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                   | 1,840*                | 113                   | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                   | 110                   | 215                   | 55                    | Extension for reply within first month                                     |          |
| 116                   | 400                   | 216                   | 200                   | Extension for reply within second month                                    |          |
| 117                   | 920                   | 217                   | 460                   | Extension for reply within third month                                     |          |
| 118                   | 1,440                 | 218                   | 720                   | Extension for reply within fourth month                                    |          |
| 128                   | 1,960                 | 228                   | 980                   | Extension for reply within fifth month                                     |          |
| 119                   | 320                   | 219                   | 160                   | Notice of Appeal                                                           |          |
| 120                   | 320                   | 220                   | 160                   | Filing a brief in support of an appeal                                     |          |
| 121                   | 280                   | 221                   | 140                   | Request for oral hearing                                                   |          |
| 138                   | 1,510                 | 138                   | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                   | 110                   | 240                   | 55                    | Petition to revive - unavoidable                                           |          |
| 141                   | 1,280                 | 241                   | 640                   | Petition to revive - unintentional                                         |          |
| 142                   | 1,280                 | 242                   | 640                   | Utility issue fee (or reissue)                                             |          |
| 143                   | 460                   | 243                   | 230                   | Design issue fee                                                           |          |
| 144                   | 620                   | 244                   | 310                   | Plant issue fee                                                            |          |
| 122                   | 130                   | 122                   | 130                   | Petitions to the Commissioner                                              |          |
| 123                   | 50                    | 123                   | 50                    | Processing fee under 37 CFR 1.17(q)                                        |          |
| 126                   | 180                   | 126                   | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 581                   | 40                    | 581                   | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146                   | 740                   | 246                   | 370                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                   | 740                   | 249                   | 370                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                   | 740                   | 279                   | 370                   | Request for Continued Examination (RCE)                                    |          |
| 169                   | 900                   | 169                   | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \_\_\_\_\_

**SUBMITTED BY**

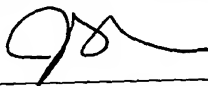
|                   |                           |                                   |            |           |              |
|-------------------|---------------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Judy Jarecki-Black, Ph.D. | Registration No. (Attorney/Agent) | 44,170     | Telephone | 706.227.1170 |
| Signature         |                           | Date                              | 03/14/2002 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**CERTIFICATE OF MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10, Mailing Label Number: EV 047203227 US on 14 March 2002, and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.

  
Judy Jarecki-Black, Ph.D., J.D.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: )  
Horseman and Pratt ) Group Art Unit: Not Yet Assigned  
Serial No.: Not Yet Assigned ) Examiner: Not Yet Assigned  
Filing Date: March 14, 2002 )  
For: "Gut-specific Gene Expression in ) Docket No. AVI 021  
Transgenic Avians )


Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**STATEMENT UNDER 37 C.F.R. § 1.82(F)**

This statement verifies that the information recorded in computer readable form is identical to the written Sequence Listing.

Respectfully submitted,

  
Judy C. Jarecki-Black, Ph.D.  
Registration No.: 44,170

AVIGENICS, INC.  
111 Riverbend Road  
Athens, Georgia 30605  
(706) 227-1170 ext. 232  
(706) 227-2180 (facsimile)

10099663-034402